

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREDDIE RODRIGUEZ

v.

CITY OF PHILADELPHIA, et al.

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CIVIL ACTION
NO. 14-7362

ORDER

AND NOW, this 21st day of July, 2015, upon consideration of the City of Philadelphia's motion to dismiss plaintiff Freddie Rodriguez's complaint (Dkt. No. 10), Aria's motion to dismiss plaintiff's complaint and Corizon's cross-claims (Dkt. No. 14), plaintiff's responses thereto (Dkt. Nos. 11 and 17) and Aria's reply (Dkt. No. 18) and consistent with the accompanying memorandum of law, it is ORDERED that the motions to dismiss are GRANTED IN PART and DENIED IN PART as follows:

1. the City's motion is GRANTED to the extent that it seeks dismissal of plaintiff's claim under the Pennsylvania Constitution. Count I of plaintiff's amended complaint is DISMISSED;
2. the City's motion is DENIED to the extent that it seeks dismissal of Count II of plaintiff's amended complaint;
3. Aria's motion is GRANTED to the extent that it seeks dismissal of plaintiff's claims for punitive damages and attorney's fees. Plaintiff's claims for punitive damages and attorney's fees are DISMISSED with leave to amend. Any amended complaint shall be filed within 21 days from the date of this Order;
4. Aria's motion is DENIED to the extent that it seeks dismissal of plaintiff's amended complaint for plaintiff's failure to properly serve Aria. Plaintiff is granted an additional 21 days from the date of this Order to properly complete

service on Aria and file proof of service with this Court.

5. Aria's motion is DENIED to the extent that it seeks dismissal of plaintiff's amended complaint for plaintiff's failure to file a certificate of merit in compliance with the requirements of Rule 1042.3 of the Pennsylvania Rules of Civil Procedure. Plaintiff is granted an additional 21 days from the date of this Order to file a certificate of merit which is sufficient to support his claims against Aria.

Plaintiff's failure to comply with either of the obligations set forth in paragraph 4 or 5 of this Order will result in the dismissal without prejudice of his claims against Aria.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.